

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CONSERVATION LAW FOUNDATION, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-10487/NG
)	
MITT ROMNEY, in his official capacity as)	
GOVERNOR OF MASSACHUSETTS, et al.,)	
)	
Defendants.)	
)	

**ASSENTED TO MOTION TO ENLARGE TIME TO ANSWER CERTAIN COUNTS OF
PLAINTIFF'S COMPLAINT**

Defendants Massachusetts Bay Transportation Authority (the "MBTA") and Michael H. Mulhern, in his official capacity as General Manager of the MBTA (collectively the "MBTA Defendants"), and on behalf of the State Defendants,¹ respectfully move for a brief enlargement of time, up to and including April 10, 2006, to serve an answer to Counts One, Two, Four through Twelve, and Nineteen of Plaintiff's Complaint.² Answers to these counts are currently due on or about April 3, 2006. In support of this motion, the MBTA Defendants state that, as a result of counsels' schedules, they will be unable to finalize their answer by April 3, 2006. Plaintiff has assented to the enlargement of time for the MBTA Defendants and the State Defendants to serve their answers. The MTA³ Defendants have also assented to the enlargement of time.

¹ The State Defendants are the following state officials, sued in their official capacities: the Governor of Massachusetts; the Secretary of the Office for Commonwealth Development; the Chairman of the Commonwealth Development Coordinating Council; the Secretary of the Executive Office of Transportation; the Commissioner of the Massachusetts Highway Department; and the Commissioner of the Department of Environmental Protection.

² The Court denied the motions to dismiss of the MBTA Defendants, the State Defendants and the MTA Defendants as to these counts on March 20, 2006.

³ The MTA Defendants are the Massachusetts Turnpike Authority ("MTA") and Matthew J. Amorello, in his official capacity as Chairman of the MTA.

For the foregoing reasons, the MBTA Defendants respectfully request that the Court enlarge their time (and the time of the State Defendants) for serving an answer to the above-listed counts of Plaintiff's Complaint up to, and including, April 10, 2006.

Respectfully submitted,

MASSACHUSETTS BAY TRANSPORTATION
AUTHORITY and MICHAEL H. MULHERN

By their attorneys,

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